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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,895	09/18/2003	William Samuel Herz	NVID-071/00US 140060-2142	7004
23419 7590 07/28/2008 COOLEY GODWARD KRONISH LLP ATTN: Patent Group Suite 1100 777 - 6th Street, NW Washington, DC 20001				
EXAMINER				
PHILIPPE, GIMS S				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
07/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/665,895

Applicant(s)

HERZ, WILLIAM SAMUEL

Examiner

Gims S. Philippe

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 10 and 22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6, 8, 10 and 22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Response to Amendment

1. Applicant's amendment received on May 5th, 2008 in which claims 1 and 10 were amended has been fully considered and entered, but the arguments are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8, 10, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over DaGraca et al. (US Patent no. 6646676) in view of Ramirez-Diaz et al. (US Patent Application Publication no. 2003/0085998 A1), Tam (US Patent Application Publication no. 2004/00525001 A1) and further in view of Sampath-Kumar et al. (US Patent no. 6,169,573)

Regarding claim 1, DaGraca discloses a method and a digital video recorder and comprising an event detector configured to define a target region included in a plurality of video frames, the target region representing a specific area to be monitored for movement (See DaGraca col. 3, lines 60-67, and col. 11, lines 17-24), the event

detector being configured to detect movement of an object representing in the target region based on a motion vector associated with the object (See DaGraca col. 5, lines 11-15, lines 49-51 and col. 4, lines 6-12), an event recorder coupled to the event detector, (See fig. 2, recorder 204, col. 5, lines 6-8), and an event notifier coupled to the event detector, the event notifier being configured to generate an event notification in response to the detected movement (See DaGraca col. 6, lines 27-33). The target region being shifted without repositioning an image acquisition device (See 5, lines 25-48, col. 11, lines 64-67).

It is noted that DaGraca is silent about the same event recorder being configured to coordinate selective storage of a portion of the plurality of video frames corresponding to the target region as specified in the claims.

However, Ramirez-Diaz discloses digital video recorder including an event recorder being configured to coordinate selective storage of a portion of the plurality of video frames corresponding to the target region (See Ramirez-Diaz [0051, lines 1-13]).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying DaGraca's event recorder by providing Ramirez-Diaz's teachings. The motivation for performing such a modification in DaGraca is to be able to perform faster search in the video database as taught by Ramirez-Diaz (See Ramirez-Diaz [0050, lines 1-5]).

It is also noted that the proposed combination of DaGraca and Ramirez-Diaz is silent about the newly claimed arrangement of the first and second memory with the surveillance unit wherein the event recorder is configured to transfer the portions of the

plurality of video frames from the first memory to the second memory in response to the detected movement.

However, Tam provides an event detector with the first and second memories with a surveillance unit wherein the event recorder is configured to transfer the portions of the plurality of video frames from the first memory to the second memory in response to the detected movement (See Tam figs. 9-10, paragraph [0008, lines 8-11]).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying the coordination of the storage of DaGraca and Ramirez-Diaz of the event detector by incorporating Tam's teachings as noted above. The motivation for performing such a modification in the proposed combination of DaGraca and Ramirez-Diaz is to store the file segment information of a triggered event in separate file to facilitate coordination and to save memory (See Tam [0072], lines 10-20).

It is noted further noted that the proposed combination of DaGraca, Ramirez-Diaz and Tam is silent about shifting the target region coupled to the event tracker as specified in the newly amended claims.

However, Sampath-Kumar discloses an event tracker configured to shift, in response to a detected movement, the target region as included in the plurality of video frames, the target region being shifted such that the target region is substantially centered with respect to the object, the target region being shifted without repositioning the image acquisition device and without activating another image acquisition device (See col. 10, lines 32-56, col. 12, lines 62-67, col. 13, lines 1-6 and col. 14, lines 21-27).

Therefore, it is considered obvious that one skilled in the art at the time of the invention having the event detector of the proposed combination of DaGraca, Ramirez-Diaz, Tam along with Sampath-Kumar's event tracker configured to shift, in response to a detected movement a newly claimed, would recognize the advantage of modifying the proposed combination of DaGraca, Ramirez-Diaz and Tam by incorporating the teachings of Sampath-Kumar. The motivation for performing such a modification in the proposed combination is to be able to track regions with object changing shape or partially obscured objects as taught by Sampath-Kumar (See col. 3, lines 16-27).

As per claim 2, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, DaGraca further detect movement of the object based on identifying a reference point of the object, the motion vector being associated with the reference point (See DaGraca col. 11, lines 17-34).

As per claim 3, DaGraca further discloses a reference point corresponding to a portion of a perimeter of the object (See DaGraca col. 11, lines 40-46).

As per claim 4, DaGraca further detect movement of the object based on at least one of a magnitude and orientation of the motion vector (See DaGraca col. 9, lines 62-67).

As per claims 5, and 8, see the rejection of claim 1 above.

As per claim 6, most of the limitations of this claim have been noted in the rejection of claims 1. In addition, DaGraca further coordinates the storage of audio data in response to the detected movement (See col. 11, lines 17-34).

As per claim 10, see the rejection of claim 1.

As per claim 22, DaGraca further transmits the event notification via a network (See DaGraca col. 3, lines 60-67, col. 4, lines 1-12).

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gims S Philippe
Primary Examiner
Art Unit 2621

/Gims S Philippe/
Primary Examiner, Art Unit 2621